Previous references.
M f 177-15

1908.
(Tanjore)

File No. 468
Serial Nos. 1 to 1

Later references.
M f 424-09

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 14

Part B. for July 1911

SUBJECT.

Management of Sri Kasi Viswe-
wara Swamy temple & its endow-
ments in Chakadevapuri Inam
Devigapatnam Taluk.

1 To the Asst Collr & Magistrate Devkt No 702-3. & 31-
stating that the village may be taken Rc 572-0-12
under Government management.

2. To the Dy Collr Negapatam No 804 of 24.8-08
transmitting an extract from above
and calling for a report thereon.

3. From A Krishna Rao No 890 of 26.8-08
stating that the endowment of the temple
be transferred to him as he has
purchased the Jaghirdar of Chakadevapuri

G. R. S. 58

A S Ramanathan Asst
Recorder 1-9-14

GENERAL AND REVENUE SECRETARIAT

Inwrai)

NOTES.

File No. 468-08

FILE HEADING.

Management of the Sri Kasi Visveswara Swami temple its endowments in Mahadevapur Inam, Seringapatam taluk—

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First sheet

GPB—30,000—3-4-07

Mmz File No. 468 of 1908

Serial No.

To

The Dy. Commr., Mysore Dt

The Rev: Commr. in Mysore

" Secy to Govt, Genl & Rev. Depts

" Comptr., Mysore Govt

G.O no 4733-6, dy 2. 4 07

Directs that the management of the Sri Kasi Visweswaraswami temple in the Mahadevapura Jaghir ~~Da~~ and its affairs be placed temporarily for a period of 2 years in the hands of the Amildar of Seringapatam and a scale of receipts and expenditure submitted for sanction, and observes that after the affairs of the institution are put in proper order, the Govt will consider whether the management of the temple may be transferred to Balaji Rao son of the late Jaghirdar

Copies to the Sub Dy Asst, French Rocks & Amildar, Seringapatam
No 4737 & 4738 dy 2 4 07
From

The Secretary to Govt, Genl & Rev. Depts.

G O no 7002-3 / Rm 572-05-4, dy 31 7 08.

States that the Deputy Commr reports that the village of Hunasanahalli endowed to the Sri Kasi Visweswaraswami temple in the Mahadevapura Agrahara has been partly diverted from the purposes of the original grant and requests that the Muzrai Deptt may take the necessary steps to have all the unauthorized alienations cancelled and see that the original objects of the grant are fulfilled and

Note—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

further observes that the village may, as recommended by the Dy Commr, be taken under Govt management pending further enquiry into the validity of the alienations which are alleged to have taken place

To

2 The Deputy Commr, Mysore Dt

No 804 Dy 24 8 08
Mwz 468-08

Furnishes an extract from the above and calls for a report thereon and also his proposals already called for improving the affairs of the Instn

From

3 Mr H Krishna Rao, Pens[d] Regimentdar, Santepet, Mysore

Petn No 890, Dy 25 8 08

States that he has purchased the right, title and interest of the Jagirdar of Mahadevapur Inam and prays that the temples and their Endowments may be transferred to his management

To

4 The Deputy Commr Mysore Dt

No 1079 Dy 10 9 08

Calls for a report on the above petition

From

5 The Dy Commr, Mysore Dt

No 315 Dy 5-3 09

Suggests that the temple properties in the Jagir may continue to be managed by Govt for some years

GPB—50,000—13-5 08

Serial No.

become (say 5 years) and states that at that time the affairs of the Instn may be brought to a satisfactory condition, and then the Instn ~~management~~ may be handed back to the Jaghirdar's management, in an efficient condition -

The Dy Comm^r also forwards copy of the Sub Dn. Officer's Docket No 290 of 15th Sept^r 1908, and observes that when it is read with the same Officer's letter No 368 of the 16th Nov^r 1907, a copy of which is also sent, the change of opinion so suddenly formed can be gauged He further says that the affairs of the Jaghir are still in confusion, that the liabilities contracted by the late Jaghirdar have not been fully and entirely discharged, and that it will take some years before the present purchasers take a permanent footing in the Jaghir and manage the lands fairly and satisfactorily

It may here be observed that the Sub Dn. Officer, when he first made a reft^n in the matter to the D/Comm^r, recommended the resumption of the Devadaya village of Kumasanahalli in the interests of the successors of the deceased Jaghirdar. In his more recent report to the D/Comm^r he states that the old Jaghirdar who mortgaged the temple properties being now dead and that his sons having redeemed these properties, there is no necessity to keep either the temple or its endowment to under-

NOTE—Contn. sheet.

GPB—50,000—15-5-08

Serial No.

Govt management and that the management may be handed over to the present owner of the Jaghir after taking sufficient guarantee from him for the better management of the Inam & the non alienation of its property

Subd
W 27/2/08

Note Contd

[illegible] management are clear from the previous books of the note. The chief reason is that a Jain Board will be the manager and that Bolaya Rao [illegible] Jaghirdar Mr Rama Rao has been long trained & fitted to manage well.

Now the Village have been purchased by Rep. Mr Krishna Rao who has paid the mortgagee amount of Rs 4 lacs to the mortgagee & obtained possession of the Villages. There is some difference about the payment of the amount claimed on account of the lease.

Mr Krishna Rao agrees that the temple with its endowments may be handed over to his management. Mr B Rao is not in favour of this and recommends that the management may be continued for 5 more years and everything brought to a state of order. He also contends that the Rs

GPB.—50,000—13-5-08

Serial No.

Officer Inc. Brahmi Krishna Rao and hence it is inferred that Chitha has changed his opinion because Shri Krishna Rao is his brother-in-law.

No doubt in the order of Govt it is said that the question of transferring the management of the Temple will be considered "after things are put in proper order". As things are not now in proper order the Govt thinks that Govt should keep the management for three years more.

The Temple it must be remembered is an institution founded by Bakshi Rama Rao who set apart seventeen acres of the Village as Inam for it. He divided seventeen into Varikas and granted them over to the Temple and to Brahmins attending for the worship. It is doubtful if in these circumstances the Temple can be looked upon as a Mangani Institution. As however in the present case the Village has been separated from as a Dasa for the Temple and for the Brahmins, the Temple may be looked upon as a Mangani Institution for the purpose of this enquiry.

Rajendra Krishna Rao is the Son in law of Rajah Lakshmana Rao a cousin of Bakshi Rama Rao. The Villages have thus come in the possession of a friend of the donor's family.

1GPB—50,000—16.5.08

S. 12]
nd Revenue Secretariat.

Mmz File No. 468 of 1908

Serial No.

And the period of two years originally fixed is practically over. The temple with its endowments may, I submit, be given back to Rajendram. H. Krishnarao. It appears the car festival is because off. on in about a week - Long arms are coming for -

Draft submitted to Diwan Chief Secretary.

Ag Subramanya

27/8/09

Rec'd 8 PM on 30/3/09

I agree with the Manager Superior & think that the Temple & its endowments may be handed over to Mr H Krishnarao, the present owner of the Jaghir who may be trusted to administer the affairs of the Temple satisfactorily

12525/31/3/09

It is difficult to overrule 31/3/09
the Dy/s opinion in a matter
of this kind - And there is no
necessity for the part Divest Rein

NOIL—Contn. sheet.

GPB—50,000—13-5-08

Revenue File No. 468 of 1908

Serial No.

of the management of the Temple which it undertook only two years ago with a view to rescue it from gross mismanagement - I would request that you send up a Report of the administration of the Temple affairs since it was assumed by Govt in 1907 -

Dated 15 June-09

Draft

17/6/09

17 6.0 Off sabd GA

Memo 17/6/09 Issue

21/6/09

To

The Deputy Commissioner, Mysore District

No 2339 dated 23rd June 1909

Mur 468-08-6

Requests the submission of a Report of the administration of temple affairs since its assumption by Govt in 1907

From

M. Balaji Rao, Jaghirdar, Mahadevapur

Application No D 863 dated 2nd Nov. 1909.

Requests the restoration to him of the management of the temple and its properties on the ground that the institution is a private temple, that the alienation of family properties cannot divest him of his right to the management of the temple,

NOTE—Contn. sheet.

GPB—50,000—13-5 08

Serial No.

and further that the period of 2 years fixed by Govt in their Pro: of the 2nd April 1907, for ~~Good~~ maaa the restoration has expired.

It is however submitted that on page 13 of the note it has been observed by the Officer that the temple is a Nuzrai institution as the village of Hunasanahalli has been expressly given as Inam for the temple and for the Brahmins." Further it may be noticed from page 9 of the note that this village itself was alienated. Moreover, as observed by the Off: on page 13 of the note, the Govt order of 1907 referred to by the applicant is to the effect that the question of transferring the management of [illegible] will be considered "after things are put in proper order".

Further the Administration Report of the temple affairs called for from the Dy Commr: has not yet been received.

Subd with drafts.

17/11/09

8 No 12-82 & 19-11-09 - To the Dy Commr Balaji Rao

9 From, The Dy. Commr, Mysore Distt

No 563 dy 30th June 1910

Reports on the administration of the affairs of Sri Kasiviswesvara Swamy Temple and its endowments in the Mahadevapura Village in the Srirangapatna Taluk.

Kannarese Report no 209/1038 dated 28th April 1910 of the Amildar

NOTE.—Contn. sheet.

Serial No.

of Seringapatam goes fully into the facts of the case

The administration of the temple affairs as gathered from the above report is briefly noted below:-

Sri Kasivisweswara Swamy temple at Mahadevapur was taken under Govt management in April 1907 The temple owns 7 Vrittis, out of which one is in the Archak's possession as remuneration for Service & the remaining six are intended for the benefit of the temple. The average annual income from the temple Vrittis is estimated at Rs 991-11-0 and the expenditure for establishment, Nityakattle, Hetelukattle and other charges is Rs 661-5-6, leaving an annual saving of Rs 329-5-6 The total income from these lands for 3 years (from April 1907 to April 1910) is reported to be Rs 2414-6-2, and the total expn, Rs 1669-11-1 leaving a balance of Rs 744-11-1. Out of this amount the following deductions will

x for Nityakattle etc Rs 963-8-7.
for Hetelukattle Rs 706-2-6
1669-11-1

Serial No.

have to be made:-

Rs 150-3-2, Deposit amount of the Sale of paddy which was subsequently Cancelled.

Rs 78-9-6 Expes for Car-festival

Rs 228-12-8. The net saving after making the deductions is Rs 518-14-5, and to this amount, a sum of Rs 630-14-0 being the expected sale-proceeds of the paddy of the current year, will have to be added, thus making up a total net saving of Rs 1149-12-5 at the credit of the institution.

The Amildar reports that no Shanbhogue has been appointed for collection and other work of the lands and that a sum of Rs 147-8-7 being items 3, 4, 5 and 6 in List A is due from the ryots. It is also stated that Vahana mandap and the kitchen of the Temple are in utter dilapidated condition requiring very urgent repairs.

The accounts noted below have been received with the

12
al and Revenue
Secretariat.

Mmz File No. 4687 of 1908

Serial No.

Amildar's report

1. Jama - Kharch Statement,
2. Statement showing the details of the income and expr.
3. do - since the assumption of the management.
4. Kharch Patti of the Car-festival of the Temple held in Sadharana Samvadsara.

Both the Amildar and the Dy. Commr. are ~~not~~ in favor of the restoration of the management of the Temple and its endowments to Mr. H Krishna Rau, Pensioned Requisitdar, under the conditions stipulated in the Dy. Commr's letter under disposal.

Submitted for orders

AV 13.7.10 RL

Draft sanctioning the D Commr recommendation file with Serial No 7.

9/15/7/1910

Draft sanctioning the Dy Commrs. recommendation is herewith submitted. Serial no. 7 which is D. no 863 (Mr. Balaji Rao's petition) has been separated from the Vernacular records and kept in its proper place.

Submitted

AV 18.7.10 RL

NOTE—Contn. sheet

55,000—27 4.09

Serial No.

Flag 3)

The Amildar's report is more a report on how to sanction a scale of expenditure than an Administration Report

Bundled copies put up

In the Govt order directing the assumption of the management it was ordered that a scale of expenditure should be submitted for sanction This has not yet been done.

In accordance with the order of the Dt Court a Panchayat, Karalgar and Vanchanak were entertained Their pay for 32 months was disbursed through the Temple income as deposited in the Savings Bank.

File no 426-09 put up)

It was only quite recently that their pay was disbursed with the sanction of Govt

The Archaka enjoys one Khile as remuneration Another establishment was entertained through in the proposed scale of expenditure provision is now made for Kuppada and Mathapatha and Davanê

The Amildar's report also shows that the items of income noted below have not been collected as on the date the management was assumed —

Kandayam due by ryots —	158-7	a year
Income from Khile in Hemambudy in 7 Warapur Island	60 0 0	Do
Grain revenue — —	42 0 0	Do
Income from Mathapatha lands	30 0 0	Do

The non-collection of Kandayam and the Hemambudy

NOTE —Contn. sheet.

BPG—55,000—27-4 09

Mung File No. 468 of 1908

Serial No.

Vakil accounts cannot be said to be creditable to the Rev. Officers. It is a question if it can now be recovered.

~~Mung Hon~~ In these circumstances it would not be proper to continue our management. The D.C. Cuddapah has modified his opinion also.

It is a question whether if the management might not be entrusted solely to Mr. Krishna Rao. The D.C. Cuddapah however proposes to associate Khwaja Hasan with him

LO Draft submitted to Dewan through Second Councillor

Ambalavanaya

19.7.1910

159.

The draft order may be approved.

22/7/10

Received from 2nd Office on 23.7.10

Submitted to Dewan

Ambalavanaya

30/7/1910

7164 31.7.10

Petition of Balaji Rao (Sl no. 7 in this file) and a reminder petition received to-day which is being referred to the Second Councillor

NOTE—Contn. sheet.

GPB—50 000—13.5 08

File No. 468 of 1908

Serial No.	
	require to be discussed. The file therefore returned.
10.	(D-794) Memorial dated 23.10.10 from Rao Bahadur Balaji Rao addressed to Dewan submitting the judgment delivered by the Dt. Judge of Mysore pronouncing his vested interests in the institutions and requesting that the Temple title documents may be handed over to his management
#. 11	— Do — addressed to the Registrar I did not know that Balaji Rao's interest clashed with Rajavilakam Krishna Rao's & thought both had made common cause against Padmanji Pandit and that a restoration of the management to Krishna Rao would be agreeable to restoration to Balaji Rao. I now find that Balaji Rao objects to Krishna Rao's and prays for restoration of the management to himself in accordance with para 4 of the rules of 1907:
	There are now three courses before the Committee —
	(1). Restoration to Balaji Rao
	(2). Restoration to Krishna Rao
	(3). Retention of management by Govt.
	As the Committee recommended I thought there was no dispute. Now Balaji Rao sets up an independent claim. His further petition, grounds of appeal, and Registrar's explanation &

NOTE.—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

do not think he will devote his entire income for the purposes of the Temple and has appointed Trustees for that purpose.

I do not think he can be said that this Temple is a private institution is sound. So far as Mathavaraya Villas are concerned and they are undoubtedly so, would by a private charity; but this Village of Hemmigepura having been expressly granted by H.H. the late Maharaja for Kaisika or Royal Worship Brahmans for the temple and also for suitable purposes I submit that this Temple is a Trust institution. In this view the decision of the District Judge that the temple is a private institution and that the possession of the Mathavaraya by Govt is wrong does not appear to be sound.

The management by the lower Govt Officials cannot be stated to be satisfactory. The inspection of Bakshi Narasappa's Chavadi and enquiring about his affairs may have convinced the Dewan that Mysore Govt Officials is not always satisfactory.

I have agreed to recommend the restoration to Mr Kasturi Ranga Iyengar as appears they ought to be looked upon as undertaken.

Seeing that Bolagi Ranga Setty is an independent respectable person in receipt of Rs 100 per month the adoption of all the proposals for grant of the Agraharam to Bolagi Ranga Setty by the Dewan

Vide Mr Carter's remarks in the original file.

* Note—Contn. sheet.

BPG—55,000—27-4-09

Revenue Secretariat.

File No. 468 of 1908

795

Serial No.

dassi

20 Submitted by Dewan Bahadur Sreenivasa Iyer

Advocate-General

4/11/1910

I think it would be better to hear both the parties. Please ask them to appear before me.

3/11/10

Notice to be issued as above.

7/11/1910

Submitted with off. notices

7.11.10

The Purchaser has not appeared. The case may be taken up some day in Jan.

25/11/10

Order to be passed

26/11/1910

Submitted with off. notices

16/1/1911

Parties not fr.

To be taken up on 27/1/11

Off. notices submitted

27/1/11

NOTE.—Contn. sheet.

BPG—55,000—27-4-09

S. 12]
and Revenue
Secretariat.

Hmy File No. 468 of 190 8

Serial No.

I have heard both parties & with their Consent added Mr Balaji Rao's name among the Dharmadarsis - The order may issue -

Dewan 2/2/11

Submitted to Dewan
Ambhaya
2/2/1911

10023
3.2.11

Draft appd by the Dewan for issue of order 24.2.11
2/3/1911

Draft Cud by Party & mbr
RL
2/3/11
(For orders of H.S. see the Draft endorsement put up)

12 To the D.C, Mysore, Rev. Comr in Mysore, & Comptroller to Govt No 2240-2 & 3-3-1911 Directs that the temple at its endowments be at once made over to Mr Krishna Rao No 2243-4 & 3-3-1911 To Mr H Krishna Rao & Mr Balaji Rao. Forwards each a Copy of the Govt order.

Note—Contn sheet.

GPB—55,0 11—27-4-09

Mug File No. 468 of 1908-9. 2103 Ag

Serial No.	
13	From the Deputy Comr, Mysore St No 490 & 206-11 Submits for information a mutchalika executed by Mr B Krishna Rao Retired Asst comr (who is said to have received power of attorney from Mr H Krishna Rao in the matter) ~~acknowledging receipt of the temple &~~ accepting the management of the temple & its endowments and solicits instructions in the matter of handing over a sum of Rs 6 84-1-1 in the Savings Bank at the credit of the temple, to Mr Krishna Rao Submitted for orders. (The names of Dharmadarsis to be associated with Mr Krishna Rao have not yet been submitted by the Dy comr, as called for in sl 12). Cyph (139) 28.6.11 Santipd with attention 30/6/11 Medn (79) 28/6/11 Draft submitted accordingly Cyph (139) 30.6.11 Medn (79) Draft submitted to Hr ed Comsr for information Mr management is commendable Mr Krishna Rao entitled to his emoluments He is found to keep correct accts & the money may be paid over to him. 1/7/11 5. Draft approved by 2nd Councillor 1/7/11 Issue 8/7/11

NOTE—Contn sheet.

GPB—55,0 10—27-4-09

12

and Revenue tariat. | Mur File No. 468 of 1908

Serial No.	
14	To The Dy Comr Mysore— The Comptr— No 125-6 dt 13.7.1911 Sanctions the Dy Comr's proposal to hand over the money to Mr Krishnarao, requesting that the names of the Dharmadarsis already called for, should be subd early for the approval of Govt

Note—Contn sheet

GPB—55,000—27-4-08

Refer
refer Para 3 of the
next Dr & report the action
Lr 1/8/08

Mlnf 468-08-1

Proceedings of the Government of His Highness
the Maharaja of Mysore

MYSORE GOVERNMENT
547
3/8/08
MYSORE SECRETARIAT

Read:-

Government Order No.1030-17 R.M. 572-03-7 dated the 24th July 1905, directing that the internal management of the affairs of the Mahadevpur Inam in the Seringapatam Taluk should not be interfered with.

2. Petition dated the 2nd March 1906 from Balaji Rao, Jahagirdar of the Inam, complaining that contrary to the tenor of the above order one Padmarajapandit who is in possession of a few Inam Vrittos under a court decree has been recognized by the Deputy Commissioner of the Mysore District as the Manager of the village and given Government help to collect rents.

3. Letter No.11476 dated the 7th April 1908 from the Revenue Commissioner in Mysore reporting on the matter.

Order thereon No. R. 702—3
R.M. 572-05-14

Dated Bangalore, 31st July 1908.

In the Government Order read above, it is clearly stated that interference with the internal management of the Mahadevpur Jahagir should be abstained from; and there was therefore no intention on the part of Government, when passing

the above order, either to recognize the agency of Padmarajpandit or to give any direction as to how the affairs of the Jahagir were to be administered. This is a matter to be left to be settled by the several persons who may claim an interest in the Jahagir amongst themselves and Government are not in any way concerned with it. It is also stated by the Deputy Commissionor that the complaint of the Jahagirdar that assistance has been given by the Revenue Officers to Padmarajpandit to recover rents from the tenants is not true.

2. The Jodi due on account of the Jahagir is reported to be in arrears since 1898-99, and Padmarajapandit himself is stated to be one of the principal defaulters. The Deputy Commissioner of the Mysore District suggests that the Inam should be taken under Government management in order to facilitate the recovery of arrears; but the Revenue Commissioner considers that it is unnecessary to adopt this course as Padmarajapandit who owns the largest share in the Jahagir is a mere speculator and is not entitled to any special consideration and the arrears may be easily realized by proceeding against the village itself. The Revenue Commissioner is competent to

exercise his discretion in the matter and take such steps as may be necessary for the prompt recovery of the arrears. Government, however, desire that no further delay should be allowed to take place in ~~~~~~~~~~ recovering the arrears and that a report should be submitted to them after the same are realized in full.

3. With regard to the Hunsandalli village to which the Revenue Commissioner's proposal do not apply, it is reported by the Deputy Commissioner that it was originally granted as a Muzrai service endowment entirely for the maintenance of the Kasi Viswesvaraswami temple at Mahadevpur and the Agrahar, and that it has been partially diverted from the purposes of the original grant. The Muzrai Department will be moved to investigate the matter further and take the necessary steps to have all the unauthorized alienations cancelled and to see that the original objects of the grant are fulfilled. The village may as proposed by the Deputy Commissioner be taken under Government management pending further enquiry into the validity of the alienations which are alleged to have taken place.

For Secretary to Govt.

To
The Revenue Commissioner in Mysore with the enclosures
" Muzrai Department.

H.L.

Muzrai

To

No. MZ F 468-08-2.4

The Deputy Commissioner
Mysore District

Sir,

In continuation of Govt Pro: No. 4733 (Muzrai), dated 2nd April 1907, directing the temporary assumption by Govt of the management of the Sri Kasi Visweswaraswami temple and its endowments in Mahadevapura Inam, Seringapatam taluk, I am directed to forward herewith an extract* from Pro: No. R. 702-3 / 572-05-4, dated 31st July 1908, issued by Govt in the General & Rev: Depts, referring to the unauthorised alienation of the village of Hunsanahalli endowed to the institution. I am to

H D/24.8.08
Ex cess

* para 3.

5

request that you will be so good as to enquire into the matter and submit a detailed report thereon and also to favor Govt. with the proposals already called for for improving the ~~needed~~ affairs of the Institution

2 An early reply is requested

I have &c,

for Secretary

by 18/8/78

Issue 18/8/78

MYSORE GOVERNMENT
890
28/8/08

Presented in person.
Put up with reference

28/8/08

Mmz A 468-08-3

ಅಂಚೆಯಲ್ಲಿ ಕಳುಹಿಸಿದ ಪತ್ರ

ಮಾನ್ಯರೇ - ನಮ್ಮ ಸಂಸ್ಥೆಯ ಪರವಾಗಿ ಈ ಕೆಳಕಂಡ ಸಾಮಾನುಗಳನ್ನು ಕಳುಹಿಸಿಕೊಡಲು ಕೋರಿದೆ - ಪ್ಯಾಕಿಂಗ್ ಮತ್ತು ಸಾಗಾಣಿಕೆ ವೆಚ್ಚವನ್ನು ನಮ್ಮಿಂದ ವಸೂಲಿ ಮಾಡಿಕೊಳ್ಳಲು ಕೋರಿದೆ - ಸಾಮಾನುಗಳು ಸುರಕ್ಷಿತವಾಗಿ ತಲುಪಿದ ಕೂಡಲೇ ಹಣವನ್ನು ಪಾವತಿಸಲಾಗುವುದು - ಸಾಮಾನುಗಳ ವಿವರ ಈ ಕೆಳಗಿನಂತಿದೆ -

ಸಾಮಾನು ಬಟ್ಟೆ - ಪ್ಲಾಸ್ಟಿಕ್ ಚೀಲದಲ್ಲಿ ಸರಿಯಾಗಿ ಪ್ಯಾಕ್ ಮಾಡಿದೆ - ಸಾಮಾನುಗಳ ಮೇಲೆ ಯಾವುದೇ ಗುರುತು ಇಲ್ಲ - ಸಾಮಾನುಗಳ ಸಂಖ್ಯೆ ಒಂದು - ಸಾಮಾನುಗಳ ತೂಕ ಸುಮಾರು ಒಂದು ಕೆ.ಜಿ - ಸಾಮಾನುಗಳ ಮೌಲ್ಯ ಸುಮಾರು ಇನ್ನೂರು ರೂಪಾಯಿಗಳು - ಸಾಮಾನುಗಳನ್ನು ಕಳುಹಿಸಿಕೊಡಲು ಕೋರಿದೆ

Muz.3] Jud F 468-08-4

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

No. 1079-Ee 07

The accompanying Petition No. 890,
dated 25th August 1908, received at this
Office from Mr N Krishna Rao, Pensioned
Regimentdar, residing in Santepet, Mysore City,
stating that he has purchased the right, title and
interest of the Jagirdar of Mahadevapura Inam
in the Seringapatam Taluk, and praying therefore
that the temples and their endowments may be
transferred to his management,
is forwarded, together with its
enclosures, to the Deputy Commissioner
for report
Mysore District, for disposal, in
continuation of Govt Ro: No. 4733, dated
2nd April 1907, and this Office No 804, dated
24th August 1908, for disposal and report.

By Order,

Bangalore, 10-9-1908. for Secretary,
Muzrai Department.

MY-1/9/08

GP —1500—20-10-07

Earth Work

Sec 73 D1062

1908 Mlls/E 448-08-5

From
M. Kantaraj Urs Esq B.A.
Deputy Commissioner
Mysore District

To
C. S. Balasundram Iyer Esq B.A
Secy: to Govt: Mily: Branch

Dated 5th March 09

Despatched

Received

General No. 315
No.

Enclosure No. 3

Submits report on the petition of H. Krishna Rao pensioned Regimentdar.

Refer

AA

~~Collector~~ Mlle Conf

8/3/09

WL

No. 315
Enc. No. 3

OFFICE OF THE Deputy Commr

MYSORE DISTRICT,

Dated Mysore Camp 5th March 1909

To

C.S. Balasundram Iyer Esq., B.A.

SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.
Inamdai Branch.

Sir,

Adverting to your official Memo-randum No. 1079 dated 10th September 1908 forwarding for report petition (herewith returned) from Mr. A. Krishna Rao, Pensioned Regimentdar, residing in Santeket Mysore city, requesting that the temple at Mahadevapur Inam village in the Seringapatam Taluk and their endowments may be transferred to his management and the marginally noted communications, I have the honor to submit herewith copy of docket No. 290 dated 15/16.9.1908 received from the Sub Division officer of Frenchrocks. This communication when read with the same officer's letter No 368 dated 16th November 1907 (copy of which is

(1) Govt Proc. No. 4733 dated 22.4.1907
(2) Letter No 804 dated 24.8.08

is herewith sent) the change of opinion so suddenly formed can be gauged. The affairs of Mahadevabar jahagir are still in confusion and I hear that the liabilities created by the late jahagirdar have not been fully and entirely discharged. It will take several years before the present purchasers take a permanent footing on the jahagir and manage the lands fairly and satisfactorily.

2. The purchasers now seek to obtain possession of the endowment villages assigned for temple service - Government order No. 702-3 dated 31st July 1908 in 572-05-4 clear on the point and it will be to the advantage of the purchasers to the jahagir that the affairs of all the inamdar institutions within the jahagir are thoroughly overhauled and handed back in an efficient condition instead of giving it back in the old unsettled state as at present. I would therefore beg to suggest that the temple properties within the jahagir should be managed

managed by Government
for some years to come (say
five) and in the meantime
the Revenue and Mugrai offi-
-cers will be asked to thresh the
whole question thoroughly by
carefully carrying out the orders
of Government contained in
Government order quoted above.
This will afford the present owners
opportunities of watching the
various steps adopted by
Government agency and in
the end the way for taking
over the management will be
smoothly paved.

I have the honor to be,
Sir,
your most obedient Servant

S Bulat Lanstam
Deputy Commissioner
Mysore District

BA

1908

From
B. Krishna Rao Esqr.
Sub Division officer
French Rocks.

To
M. Kantaraj Urs Esqr B.A.
Deputy Commissioner
Mysore District

Dated 15-9-08.
Despatched 16
Received
General No. 290
No.

Enclosure No. Nil.

His docket No. 102 dated 5th September 1908 forwarding an extract from Govt Progs: No. R 702-3 dated 31st July 572-05-14 1908 referring to the unauthorized alienation by the late Jahagirdar of Mahadevapur of the village of Hemaganahalli endowed for the maintenance of Sri Kasi Viswesvara temple and agrahara at Mahadevapura and calling for a report on the subject with proposals for improving the affairs of the Institution.

In reply to the above

was the honor to state that the ma
nagement of the temple has been tem
porarily assumed by Government at
request of the late jahagirdar &
and some Vaillidaru who raised obj
for the management of this Siva Endo
tution by the mortgagee who was a J
by caste and who had been thrust on
as their agent by the then Mahajanam
-ers.

Recently the jahagir affairs have taken
a favourable turn. The old jahagirdar
who had alienated both this and temple prop
-erty, is dead and his heirs having raised a
loan amongst their own cousins paid off
the incumbrances and redeemed the jahagir
by paying more than 52 thousand Rupees.
In these circumstances there seems to be no
necessity either to keep the Temple under Govern
-ment management any longer or place
Hunsahally village under Government
management. Both the Institution and
the Inam village may be safely left in
the management of the present owners
of the jahagir taking sufficient guar
rantee for the better management of
the Institution and non alienation
of its property.

(Sd) B. Krishnarao
Sub Division Officer
Hunsur Rocks

"Copy"
S Venkatarangaiya
B.A. 2nd Deputy Commissioner
Mysore DK

No 368 Confidential
22.11.1907 5 files

Sub-div Office, Tenkasi
Dated 16th November 1907

From

B. Krishnaraoo Esquire
Sub-divisional Officer
Tenkasi

To. Mr K Kantharaj Urs Esqr B.A.
Deputy Commissioner
Myavaram

Sir,

In reply to your docket no 2065 dated 12th March 1907, I have the honor to state that the allegations made in Jahagirdar Balaji Rao's petition dated 23rd March 1906 are not correct as the Amildar reports that neither any help of the kind is rendered to the mortgagee Padmaraj Pundit nor have any orders been received to do so. As regards the other queries asked in the docket under reply, I beg to report one by one as follows:-

Query No 1 What are exactly the powers that are being exercised by Padmaraj Pundit.

Padmaraj Pundit is the mortgagee of the

the villages belonging to the Mahadevpur Jahagirs and the 5 Vrittis reserved for the Jahagirdar in the Mahadevpur and Hemansamahalli villages. As such he has no power to assume the management of neither the Temple and its Vrittis nor that of the village itself both of which he has done nor has been authorised by any Government Order to do so. Some of the discontended Vrittidars who form a minority appointed Padmaraj Pandit as their Manager in place of the Jahagirdar Ramarao which was approved of by Mr Sparke the then deputy Commissioner.

But on appeal the then Revenue Commissioner (the present Dewan) cancelled that order admitting the Jahagirdar to be the hereditary Manager. Subsequently in Gov: No. 1030-7/mis 572-03-07 dated 24-7-1908 Government differed from the Revenue Commissioner and prohibited interference in the internal management of the Jahagirs, yet after the receipt of this order of the mortgagee was formally recognized as the agent and restored to that office by the

then

then deputy Commissioner. Consequently it will be seen that the mortgagee Padmaraj Pundit is neither an agent appointed by the Jahagirdar himself nor by the majority of the Vrittidars. His being forced on the Jahagir as such is (beg to be excused for saying) not only against the spirit of Government Proceedings nos R 1030-7/mis 5) 2-03-07 dated 24th July 1905 but also the vested hereditary rights of the Jahagirdars. About 88 years ago the Jahagir was granted to Bakshi Ramarao. It was he who voluntarily divided the two villages of Mahadevapoor & Hiresankalli into 28 Vrittis assigned & to the temple, granted 15 to his brahmin dependants and kept 5 for himself and his heirs as the managers of these villages. That hak has continued in the family for 3 generations and has not been transferred to the vrittidars either by the original grantee or his successors. Hence neither the right of appointing the agent or manager is vested in the Vrittidars nor have they acquired that right by the decision of a Competent Civil Court. Consequently the appointment of the mortgagee Padmaraj Pundit as agent by

such Vrittidars and that too by a faction which forms a minority cannot be recognised by Government. In connection with this question I also want to bring to your notice another most important but hitherto unnoticed fact. It is the villages of Mahadevapoor and Kumarsamakalli which have been divided into 25 Vrittis referred to above. Of these two villages Mahadevapur is alone one of the 7 villages which were assigned as Jahagir in the Sanad dated 5th Jeshta Suddha of Pramati (1819-20) and Kumarsamakalli never formed a portion of that grant. Three years afterwards when His Highness the Krishnaraj Wodiyar Bahadur visited Mahadevapoor & Bukshi Ramarao represented that the Vrittis assigned by him to the Temple and the brahmins out of the Jahagir given to him were insufficient for their maintenance, the latter village of Kumarsamakalli was then granted as a muzrai service endowment entirely for the maintenance of the temple and the Agrahar with no powers to alienate it or utilize its income for other purposes (see copy of dated 3.6.1822). Such being the case neither the Jahagirdar had any right to mortgage any portion of that

P.T.O.

village nor could the Government keep it in the possession of the mortgagee Padmaraj Pandit since the management of the temple has been assumed by Government and since neither the Jahagirdar nor the vrittidars have any power to alienate any portion of the Ramasamudhalli village, which is purely a Government muzrai endowment, it must also be ordered to be resumed to Government at once.

The 2nd query has already been answered above.

Query No 3. What do the vrittidars say to Padmaraj Pandit continuing to be their manager.

As regards the 3rd query from what is stated in the above para it is clear that the vrittidars neither have been given nor possess the right of appointing the Ajuman or Manager nor have they acquired such rights in a competent Court. Hence though their consent for the continuance or removal of Padmaraj Pandit is not necessary, yet the majority of them are in favour of his removal.

Your last query is also a very important one and touches a most vital

point.

Querry No 4 Whether Padmaraj Pundit has been regularly paying Government demands without allowing them to fall into arrears

This Padmaraj Pundit as mortgagee of the estate belonging to Rama Rao, obtained possession of the villages through the Civil Court decree. So it is 7 years since that date and during all these 7 years he has neither paid the Government dues nor produced satisfactory accounts, nor has he satisfied the claims of the ryotti dars The local fund and other demands due to Government for the past amounts to the large sum of Rs 2340-15-11 (on date of sale). For the realisations of this, the village of Mahadevapoor was attached and sold on 22. 23rd may 1905, but owing to the inadequate price fetched the sale was cancelled and though 2 years have passed away — since that time, Padmaraj Pundit has not only not paid a pie towards Government arrears but also has failed to produce any accounts. Hence whatever may be the ultimate decision of government in the matter

Nyffer on 14·4·
Dodmulgod 15·4
Mahadevapoor 17·4·

·:· Rs 2537-12-9 from 1898-99 to the end 1906-07

I would ask in the interest of both the Govern-
ment and the Nukdars the taking over of the
management of the villages by Government as
has already been once proposed by my pre-
decessor and approved of and recommended
by the former Deputy Commissioner (Vide order
on 6.7.1905 - Page 49 file A)

In submitting the records on the subject
referred to above as called for, I beg to state
in conclusion that as the managership of the
villages is a hereditary right vested in the
Jahagirdar's family as has been recognized
by Government, as the Nukdars do not
possess any kind of right to nominate the
manager and as the mortgagee has a part
has proved incompetent in every way
he must be at once removed from the office as agent and the manage-
ment of the villages assumed by Govern-
ment until the large balance of its dues
for so many years are realized and Govern-
ment pass final orders touching the claims
and rights of the different contending par-
ties. An early order is also necessary for
the resumption of Hunasanahalli village
which is a purely mutadi enclosement

are is as such unalienable. The memoranda of the docket under reply are herewith submitted.

Thanks

Sd/ B Krishnadas
Sub-Div Officer
Trivandrum

"Copy"

S/ Illegible
Deputy Secretary

B.a. Nagpur District

G:R.S. 29A]

190

From

Secy. to the Govt. of His Highness
the Maharaja of Mysore,
Genl. and Rev. Dept.

To

The Deputy Comm.,
Mysore District

Dated

Despatched

Received

General No.

No.

Enclosure No.

His letter No 315, dated 5th March 1909, submitting a report on the petition of Mr. K. Krishna Rao, Pensioned Regimentdar, praying for the transfer of management of the Sri Kasi Viswesvaraswamy temple and its endowments in the Mahadevapura Jaghir, Mysore Taluk

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With Refce to the above, has the honor to request the submission of a Report of the Administration of the temple affairs since it was assumed by Govt in 1907.

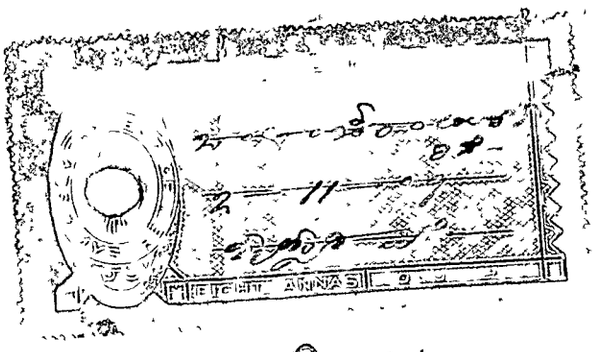
By Order

4/6/1909

for Secretary

MGCPB—20,000—16-2-05

4/6/1909



Nos 87-3

Mem 468—08—7

To

The Manager Serpanishanam
is Mysore.

Application of M. Balaji D.o, Jahagir-
dar of Mahadevpur.

Honored sir

In inviting reference to Government pro-
-ceedings No 4733-6 — Muz. 49-1904 dated 2
April 1907, directing the taking over under
Government management of the Sri Kasi Viswa
-swami temple situated in my jahagir vil
of Mahadevpur in the Seringapatam taluk, I res
fully beg that as the period of two years fo
which the Govt management of the said te
was directed to continue, expired on the
2nd April 1909, the temple and the propert
including its vatties now in possession
Government, may be restored to me as direc
directed in para 4 of the Procs: above
referred to.

2. In the division of the family estates, the e
of Mahadevpur has fallen to my [illegible]

I am
the late Bakshi Rama
founder and endower the said

The temple is a purely private family temple and the proper maintenance of its Utsavamurthy, being my special care, no others have any legal claim or right to the management of the temple. As may be inferred from the Govt order referred to, an alienation of some of the other family property does not necessarily entail an alienation of the right to manage the temple, which is a purely personal and family right. Padmaraja Pundit's debt having been since discharged, he has now no right over the village

For the foregoing reasons, I beg that early orders may be passed directing the restoration of the temple and its properties to my possession.

I beg to remain,
respected Sir,
Your most obedient Servant
M. Balaji Rao.

Jahagirdar,
c/o. N. K. Srinivasa Rao Esq
B.A. B.L
Advocate.
Near Weaver's Lines
Chamarajapet
Mysore city

2nd November 1909

2274

No. 1282 8/19-11-09.
M-7-468-08-8

Endorsement granted to Mr. M. Balaji Rao, Jagirdar, Mahadevapur village in the Sivaungapatam Taluk, with reference his application dated 2nd Novr. 1909, praying for the restoration of the Sri Kasi Viswes-waraswamin temple and its endow-ments to his management.

In reply, Mr. Balaji Rao is informed that the matter has been referred to the Dy Commr. of the Mysore Dt. for a report on the affairs of the institution and that on receipt of his reply, the matter will be disposed of.

By order,

As
17/11/09
for Secretary
to Govt.

VII Worship

2 16

1909-10

M.F.468-08-9

From M. Kantaraj Urs Esqr, B.A
Deputy Commissioner
Mysore District

To C. S. Balasundaram Iyer Esqr, B.A
Offg: Secretary to the Govt. of Mysore,
Genl. and Revenue Departts, Muzrai
Branch

Dated

Despatched 30th June 1910

Received

General No. 563
No.

Enclosure No 1 file and 1 petition

Submits herewith in original
a report of the administration
of the affairs of the Sri Kasi
Visweswara Swamy temple
and its endowments in the Mahan
-devapura village, Shivanasamudram
Taluk.

A.V. Engineer note
BG
7/7/10

26

No. 563
Enc. No. 1 file & 1 petition

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,
Dated Mysore Camp 30th June 1910.

To
C. S. Balasundaram Ayyar Esq., B.A
Offg: SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.
Muzrai Branch

Sir,

Adverting to your docket No 2339 Muz J. 468-08 dated the 23rd June 1910, I have the honor to submit herewith in original a report of the Administration of the affairs of the Sri Kasi Visweswara Swami temple and its endowments in the Mahadevapura village by the Amildar of the Srirangapatam Taluk received with the accompanying yadast No 294/901 dated 30th April / 1st May 1910 from the Sub Divisional Officer

officer of French Rocks division.

The proposed scale of expenditure alluded to therein is also herewith submitted in ori-
-ginal.

on a reconsideration of the affairs of the temple in question I am inclined to recommend that the management of the temple and its endowments may, with advantage, be transferred to mr. A Krishna Rao, Pensioned Regimentdar, after taking sufficient guarantee from him for the effi-
-cient management of the Institution and its endowments by maintaining and forwarding to the Amildar of the Shirangapatam Taluk proper monthly accounts, appointment of Dharmadarsis and affording facilities to the Taluk Amildar for frequent-

The enclosure to your No 1262 dated
N.7. 468–08
the 18th November 1909 is herewith retransmitted.

I have the honor to be,

Sir,
your most obedient Servant

H. J. Lumsden Thaw
for Deputy Commissioner
Mupome District

B.A.

To
The Secretary
to the Govt
Judl Dept
Bombay

Judl Dept
No 7884
Dated 28/10/09
Rec'd 28/10/09
Judl 468-08
Judl Dept
No 1282
Dated 19/11/09
Rec'd 21/11/09

His Excellency
The Hon'ble Mr Ampthill G.C.I.E.
Governor of
Bombay
in Council

Reminder petition of
Dr Balajirao son of late
Rao Bahadur Jagjivandas
Manadevalia Pleader &
Bakshi and Devaki Pandit

Respectfully sheweth,

With reference to Secretariat No 1282 dated 19.11.09 on Judl 468-08 my petition dated 2.11.09 addressed to the Judl Secretary regarding the exploration of the affairs of Sir Narsinhdas Vasanjee and temporary appointment of Receiver Official Trustee and Administrator General

and Judl Dept Bombay No 4733-6 dated 1-4-07 forwarding my petition was received by the Deputy [illegible]

Nipissing Distt: for report and that it will be disposed of on receipt of his reply. I beg to state that I learn that the Deputy Commissioner proceeded to submitted an explanatory report to the Govt: in the matter.

As I have already stated in my previous application that as directed in Govt: Prog: above referred to the management may be restored to the Head Master of the Society. Moreover it is the intention of Society to re-start the Village Industry failure to which since I was managing the Village and the textile affairs for a period of eight years.

That the Ashram is purely a charitable institution founded by my grandfather as a Society God and as such the management should be all respectfully and as a matter of right rest in me not me any others.

Further I beg to submit herewith an attested copy of the Judgment of the District Judge Nipissing in Civil Appeal No: 162 of 1909-10 on the file of his Court judicially pronouncing my vested interests in the institution.

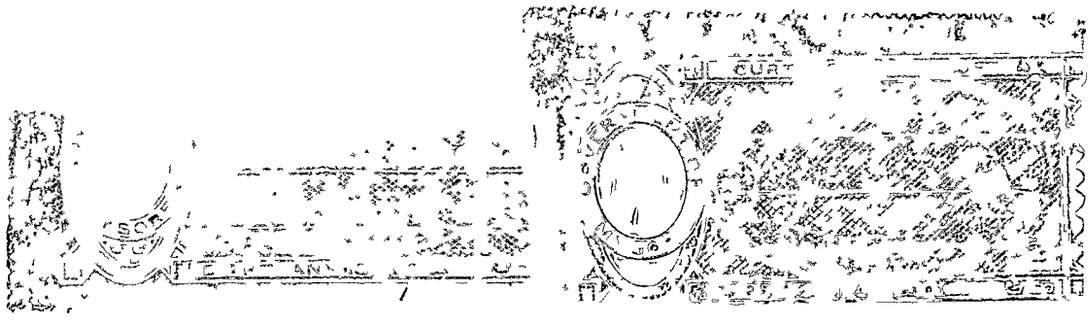
Furthermore that the title deeds of this temple have not been treated as Devadaya but regarded as personal properties and as such nobody else has any right to interfere except by due course of Law.

Under these circumstances I respectfully beg that such orders as I have to issued to Karnam over my family God temple and to endowments to give as directed in Govt Proc.

I beg to remain
Respectfully
Your most obedient
servant
M. Balaji Rao.

Salem
23rd Oct
1910

c/o N. K Srinivasa Rao
Ag: Principal Munsiff
of Salem
Chamarajpet
Salem



570/

Civil Appeal No. 162 of 1909-10

In the Court of the District Judge
Mysore Division.
Mysore dated the 31st March 1910
Present T. Paramaswara Iyer Esquire
District Judge

Appellant
Balaji Rao
(Plaintiff)

vs

Respondent
Padmaraja Pundit
(Defendant)

Appeal against the decree of the Principal Munsiff of Mysore in O.S. No. 240 of 1905-06.

Judgment

Suit for the recovery of Rs 519-14-10

The plaint. Hirakadevapura Village in Seringapatam Taluk was given as an Inam to Plaintiff's great grand father Bakshi Rama Rao. He divided the Village into 28 Vrithis, some of which he reserved for himself, some he gave

to a temple and others to Brahmins as gifts. Most of the Village lands were divided among the Vrithis, but some lands and items, such as Sandal and Abkari were left undivided and were treated as 'Madyaka'.

After deducting the fixed and Common expenses of all the Vrithis the income from the above Madyaka sources was arranged to be divided among all the Vrithedars by Ramarao and his descendents.

Plaintiffs father Ramarao who used to manage the concerns of all the Vrithis had money dealings with the Defendant on the pretext of managing such Common concerns on behalf of Plaintiffs father the Defendant received from the Deputy Commissioner, Mysore, Rs 1542-11-2 as the Abkari

revenue due to Vrithidars in Common.

This amount had to be distributed among all the Vrithidars.

The Plaintiff in managing the Mahadevapura Kasi Visweswara temple, and as such has sought to recover Rs 378-2-10 the proportionate share due to his temple and also damages Rs 141-12-a for delay in payment.

The defence. The defendant pleaded that Mahadevapur and other Inam Villages together with the right of managing them &c. were first mortgaged to the defendant by the Plaintiff's father and made, and later on a decree for possession was passed against the mortgagors by the Tumpore District Court in execution of which defendant obtained possession and the Plaintiff failed to reserve for himself the right of managing the temple or its Vrithis under his mortgage

deeds and subsequently
recognized the defendant's rights to manage
the temple and its Vritti and that for
these reasons Plaintiff's claim is false.

The defendant also pleaded that
the abkari money was spent towards
the repairs of the Village channel which
watered all Vritti lands, that while
repairs were being effected, Plaintiff's
father obstructed the work, and
engaged himself in vexatious litigations
and that the repair of the channel was
necessary for the benefit of the temple,
and prayed that the suit might be dismissed

The following issues were framed:—

(1) In whom does the management
of the temple in question vest, Plaintiff
or defendant?

(2) Have the abkari collections in
question been utilized by the
defendant for the channel repairs
and is the Plaintiff bound by that
appropriation

appropriation?

(3) Is the Plaintiff entitled to recover the damages sued for?

(4) To what relief, if any, is the Plaintiff entitled?

The Munsiff recorded this finding on the 1st issue only and dismissed the suit with costs.

On 29-11-1909 Plaintiff appealed to this Court on the following grounds:—

1. The Munsiff was wrong in holding that the Inam agreement of the temple in question did not belong to Plaintiff and that it had been alienated to the defendant.

2. The temple, its lands and management were never conveyed to the defendant and in this connection the Munsiff has wrongly construed Exhibits 6, 7, 4 and B in general and the words ಸ್ವಾಮ್ಯ ಅನುಭವ ಇವೆ ಇದರ ಸಂಬಂಧದಲ್ಲಿ ಎಂಬ ಪದಗಳನ್ನು in particular as applying to all the the Plaintiff in the village

of Ennakadenapur and
Vrittis' next following and has
wrongly cast the burden on the Plaintiff
and has allowed evidence contrary to
the terms of section 92 of the Indian
Evidence Act.

3. The temple in question being a private
institution founded by the Plaintiff's
predecessors in title the Plaintiff was
wrong in making it a condition
precedent to the Plaintiff's right to manage
the same must be recognized by the
Vrittidars - Even assuming but not
admitting that Plaintiff was not
recognized as such for the years 1895-1900
to which the suit amount relates. She
was likewise wrong in observing that
by right of being Pujaman Vrittidar
the Plaintiff's father was manager
of the temple and its properties and
that so long as defendant was the
mortgagee he had the right to retain
the

money into his hands and to spend it for the benefit of all the Faithdars.

4. The Plaintiff has all along been managing the said temple and its properties in his own rights and the same were never decreed to the defendant nor were they at any time in the management of the defendant and the Plaintiff was wrongs in observing that the Plaintiff was never in the management of the temple and that his having withheld possession and management was wrongful.

5. The defendant having obtained a decree for possession and mene profits of the properties mortgaged to him, for the years in dispute, was, in any case, debarred from detaining the said amount.

6 The Plaintiff has correctly denied

Re from the pleadings and issues, has given

undue weight to the whole of the
proving the facts and rights in issue
which are themselves the subject
on which a judicial decision was
necessary, has wrongly and in the
absence of any objection from the
defendant observed the Plaintiff's
child's father and brother were
necessary parties and that the Plaintiff
and his father were untrustworthy
executors of temple property and
has generally based his decision on
insufficient, irrelevant and unsound
data and in this connection the Plaintiff
submits that he was entirely
misled to his prejudice by the issues
as framed.

7. The Plaintiff was wrong in
not recording findings on the other
issues in the case while at the
same time observing that the defendant
appeared to have spent such money
for

the general good of the entire village which is not a fact.

8. The judgment in ~~the~~ so far as it is against the Plaintiffs is otherwise opposed to law, facts and probabilities of the case.

On the face of the facts relating to the temple set forth in the Judgment of the Plaintiffs and the correctness of those facts were not questioned by the learned advocate for the Respondent, the temple-lands are not Inamgaraiji Inam lands. The Maha devapur, as the village was granted as a personal Inam and out of this Inam the Pathirdar ~~granted~~ Carved out 28 Virthis, kept 5 to himself gave 17 Virthis to Brahmans and assigned 6 Virthis to a temple which he founded. In these circumstances the right to manage the temple and the lands

and his descendants and they can
divested of this right only by a pro
decree of a civil Court on the petition
of persons interested in the religious
institution founded by the Jaghirdars.
In these circumstances Balaji has
as the eldest son of the late Jaghirdar,
is entitled to manage the temple and
receive the revenues thereof till he
is ousted by due course of law
and the possession of all others
whether the defendant or the Government
is wrongful as against him. There is
no question in this case of adverse
possession for over 12 years and in
these circumstances the Commissioner
ruling on the preliminary issue
is reversed and the suit remanded
for a decision on the merits. The Respondent
will pay the appellant's costs of this appeal.
A certificate will be granted authorising
the appellant to receive back the fee
on the appeal memo. The costs of parties
in

Lower court will abide the final decision.

/sd/ V. Paramalingam
District Judge

Pronounced in open court.

/sd/ V. P.
31-3-10. District Judge.

Memorandum of costs incurred in this Appeal.

	By the Appellant	By the Respondent
Court Fee on memo of Appeal	39-00	Rs. 39-00
" Power of Attorney	" 8-00	"
" Petition	" 8-00	"
Copies of decree & judgment	1-80	"
Advocate's Fee	26-00	26-00
Costs of Argument	"	"
Fees for typing	3-3-8	3-8-8
Other Charges	"	"
Cost of Paper	"	"
Total Rs.	80-13-5	30-00
Deduct the institution fee on the memo of Appeal refunded	39-00	
	31-13-5	30-00

/sd/ V. Paramalingam
District Judge

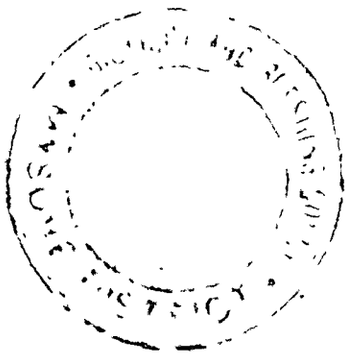
Date of application 9-4-10
Date when fees called for 4-4-10
Date on which Addl. Fees called for 8-4-10
Date on which Fees deposited 4-4-1911
Date on which Addl. Fees deposited
Date on which copy was ready 12-4-11
Date of delivery

Mandat 1410

Enseignement 1 - 4 —

Cantine 1 - 5 —

Total 1 - 9 —



K 4/10
2288.
570.

Civil appeal No: 162 of 1909-10.

In the Court of the District Judge, Mysore dated the 31st March 1910.

Present T. Paramasiva Iyer District Judge — Y.

Appellant (Plaintiff) Balaji Rao

Respondent (Defendant) Padmaraja Pandit

Appeal against the decree of the Principal Munsiff of Mysore in O.S. No: 240 of 1905-06

Judgment

Suit for the recovery of Rs 519-14-10.

The point:— Mahadevapura village in T. Seringapatam Taluk was given as Inam to plaintiff's great grandfather Bakshi Rama Rao. He divided the village into 28 Vrithies, some of which he reserved for himself, some he gave to a temple and others to Brahmins as gifts. Most of the village lands were divided among the Vrithies

but some lands such as Bandle and were left undivided and were treated as Madhyaka after deducting the fixed and common expenses of all the Vrittis the income from Madhyaka sources was arranged to be divided among all the Vrittis by Rama Rao and his descendants

Plaintiff's father Rama Rao who used to manage the concerns of all the Vrittis had money-dealings with the defendants on the pretext of managing such common concerns on behalf of Plaintiff's father the defendant received from the Deputy Commissioner Mysore Rs 1512-11-2 as the Abkari revenue due to Vrittidars in common. This amount has to be distributed among all the Vrittidars.

The Plaintiff is managing the Mahadeshwara temple and as such has brought to account Rs 378-2-10 the

the proportionate share due to his temple and also the charges Rs 141-12-0 for delay in payment.

The defence:- The defendant pleaded that Mahadeshpur and other seven villages together with the right of managing them etc: were first mortgaged to the defendant by the plaintiff's father and uncle and later on a decree for possession was passed against the mortgagors by the Mysore district courts in Execution of which Defendant obtained possession and the plaintiff failed to reserve for himself the "right of managing the Temple or its Vrithies under his mortgage deeds and subsequently Govt also recognized the defendant's rights to manage the temple and its Vrithi

and that for these
plaintiffs claim is fails.

47 The defendant also
pleaded that the Abkari
money was spent towards
the repairs of the village
channel which watered
all Virithi lands, that
while repairs were being
effected, plaintiff & other
obstructed the work, and
engaged himself in
vexatious litigation and
that the repair of the channel
was necessary for the benefit
of the temple, and prayed
that the suit may be
dismissed.

The following issues
were framed :—

(1) In whom does the ma-
=nagement of the temple in
question vest, plaintiff or
Defendant 2

(2) Have the Abkari
collections in question been
utilized by the Defendant
for the channel repairs

and is the plaintiff bound by that appropriation
(3) Is the plaintiff entitled to recover the damages sued for?
(4) To what relief, if any, is the plaintiff entitled

The Munsiff recorded his finding on the 1st issue only and dismissed the suit with costs

On 29-11-09 plaintiff ~~[illegible]~~ appealed to this court on the following grounds:—

1 The Munsiff was wrong in holding that the management of the temple in question did not belong to plaintiff and that it had not been alienated to the Defendant.

2. The temple, its lands and management were never conveyed to the Defendant and in this connection the Munsiff has wrongly construed Exhibits 6, 7, 14 and B in general and the

words [illegible] [illegible]
[illegible] [illegible] particular
as applying to all the pro-
perties of the plaintiff
in the village of Mathidevapuram
and not to the Agyaman
Vrithis least following and
has moreover wrongly cast
the burden on the plaintiff
and has allowed evidence
contrary to the terms of
see 92 of the Indian Evidence
Act

3. The temple in question
being a private institution
founded by the plaintiffs'
predecessors in title, the
Munsiff was wrong in
making it a condition pre-
-cedent to the plaintiffs'
rights to manage the same
must be recognized by
the Vrithidars - and even
assuming but not admitting
that plaintiff was not
recognized as such for the
years 1895-1901 to which
the suit amounts relates.

Otherwise wrong
that by right of being Vajamana
Vrithidar the plaintiff's father
was Manager of the temple
and its properties and that
so long as the defendant
was the mortgagee he
had the right to retain
the money in his hands
and to expend it for the
benefit of all the Vrithidars

4 The plaintiff has
all along been managing
the said temple and its
properties in his own right
and the sums were never
decreed to the defendant
nor were they at any time
in the management of the
defendant and the
Munsiff was wrong in
observing that the plaintiff
was never in the manage-
ment of the Temple and
that his having withheld
the possession and
management was wrongful

5. The defendant having

obtained a decree
and profits of the properties
mortgaged to him, for
the years in dispute; was,
in any case debarred from
retaining the said amount.

6. The Plaintiff has wrongfully
deviated from the pleadings
and issues, has given undue
weights to Exhibits 8, 9, 10 & 11
as proving the facts and
rights in issue which are
themselves the subject matter
on which a judicial decision
was necessary, has wrongly
and in the absence of any
objection from the defendant
observed that the plaintiff's
divided father and brother
were necessary parties and
that the plaintiff and his
father were untrustworthy
custodians of Temple property
and has generally based
his decision on insufficient,
irrelevant and unsound
data and in this connection
the plaintiff submits that

he was entirely misled by the
Respondent by the Issues as
Framed.

7 That the Munsiff was wrong
in not recording findings
on the other Issues in the
case while at the same
time observing that the
Defendant appears to
have Meant such money
for the general good of the
Entire village which is not
a fact

8. That judgment in so far
as it is against the plaintiff
is otherwise opposed to law
facts and probabilities of
the case.

In the face of the
facts relating to the Temple
set forth in the judgment
of the Munsiff and the
correctness of those facts
were not questioned by
the learned Advocate
for the Respondent

The temple lands
are not Mangrowgis Jaam

personal Inam and out
of this Inam the jahagirdar
carried out 28 Vrittis
Nabut 5 to himself, gave
17 Vrittis to Brahmins
and assigned 6 Vrittis
to a Temple which he founded.

In these circumstances
the right to manage the
the Temple and the lands
attached thereto vested
in the Jahagirdar and
his descendants and they
can be divested of this right
only by a proper decree of
a civil court on the petition
of person and interested
in the religious institution
founded by the Jahagirdar

In these circumstances
Balaji Rao as the Eldest
son of the late Jahagirdar
is entitled to manage the
Temple and receive the
proceeds thereof till he is
ousted by due course of law

and the possession of the others whether the defendant or the Govt is wrongful as against him. There is no question in this case of adverse possession for over 12 years and in these circumstances the Munsiff's finding on the preliminary issue is reversed and the suit remanded for a decision on the merits. The Respondent will pay the appellants' costs of this appeal. A certificate will be granted authorizing the appellant to receive back the fee on the appeal memo. The costs of parties in the lower court will abide the final decision

(S-d) J. P. Arasanayagam
Dt. Judge
Pronounced in open court
(Sd) J. P.

To Mysore 27/1/09

₹ 7.95

Mus 7 468-08 1

The Munsri Secretary
to the Govt of Mysore.

Remainder petition of M Balaji Row Son of late Rama Row Jahagirdar of Mahadevapur, grandson of Bakshi and Sewan Rama Row

Respectfully Sheweth.

With reference to endorsement No 1282-29 19-11-08 Mus 7 468-08

On my petition regarding the restoration of the affairs of Sri Kasi Viswaswara Swamy temple at Mahadevpur and its endowments to my management Vide Govt. Proceedings no 4733-6 Mus 49-1904 of 2-4-'07, informing that my petition has been referred to the Deputy Commissioner Mysore Dist for report and that it will be disposed of on receipt of his reply, I beg to state that I learn that the Deputy Commissioner has since submitted an ex parte report to the Government in the matter.

I have already stated in my previous applications that as directed in para 4 of Govt. Pro above referred to the management may be restored to me being the eldest member of the family. Moreover that in the division of family properties the village of Mahadevapur has fallen to my share and that I was managing the village and temple affairs for a period of eight years

That the temple is purely a private institution founded by my great-grandfather as a family god and as such the management should in all propriety and as a matter of right rest in me and not in any other

Further I beg to Submit herewith a/c of

judgment of the District Judge of Mysore in Civil Appeal No: 162 of 1909-'10 on the file of his Court judicially pronouncing my vested interests in the institution.

Moreover that the Title-deeds of this Temple have not been treated as Devadaya but regarded as personal Inams, and as such no body else has a right to interfere except in due course of law

under these circumstances I respectfully pray that early orders may be passed to hand over my family Gods' Temple with its endowments to me.

The enclosure may kindly be returned

I beg to remain
Respected Sir
your most obedient Servant.

30-10-1910

M. Balaji Rao.

Dft as per orders

File No.

Serial No.

Diary No. of letter replied to 795

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, the 19

Date of issue

Signed by

READ—

Govt Pro no 4733-6 Dy 2nd April 1907 directing that the temple of Sri Kasi Visweswara in Jahgir Mahadevapur Village be with its endowments taken under Govt management for a period of 2 years.

ORDER THEREON—No.

(2) Petition no 890 dy 25th August 1908 from Mr H. Krishna Rau, pensioned Requienddar Sayiny that he has purchased Mahadevapur and the other Jahgir Villages and paid up the Mortgage amount to the

over

SUBJECT.

GPB- 5,000—7-5-09

creditor and praying that the temple and its endowments may be made over to his management.

(3) Correspondence ending with Letter no. 563 dy 30th June 1910 from the Dy Commr, Mysore Distt, reporting on the above petition. 4) Ltr dy No. 794 dd 23.10.1910 from Mr M. Basvi Rao praying that the management of the temple & its endowments may be made over to him. Order thereon — Nil — In reporting on the administration of the affairs of the Sri Kasi Viswesvara Swamy Temple and its endowments in the Mahadevapura Village since the assumption by Govt, the Dy. Commr, in his final comm recommends, that the management of the temple may with advantage, be transferred to the petr Mr H Krishna Rao, after taking sufficient guarantee from him (petr) for the efficient management of the institution and its

No. 2240-2
Mun 468—08—12
dy 3-3-1911
Enc one file

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

endowments by maintaining and forwarding to the Amildar, Srikangapadam Taluk, proper monthly accounts and affording facilities to the Taluk Amildar for frequent inspection. The Dy Commr also proposes to associate Dharmadarsis with mr H Krishna Rau in the management of the institution.

2. Govt approve of the Dy Commr's recommendation and direct that the temple and its endowments be at once made over to mr H. Krishna Rau, Persad Registrar, who will be required to maintain proper accounts and forward monthly extracts to the Amildar, Srikangapadam Taluk and afford him every facility for inspection.

3. The Dy. Commissioner is requested to submit for the approval of Govt the names of the Dharmadarsis, whom

the wounded associate with
Mrs H Krishna Rao. Mr Balaji Rao
19/7/11 collegiate of Sri
Dr(H) Varinadarsas.
for Secretary

To,
The Dy Commr, Mysore Dist, relay
The records
Rece. Commr's re,
Compr to G. form

24/7/11

24/7/11

Proceedings of the Government of His Highness the Maharaja of Mysore

Read:-

Government Proceedings No. 4733-6 dated 2nd April 1907 directing that the temple of Sri Kasi Visweswara in Jahgir Mahadevapur village be with its endowmnets taken under Government management for a peroid of 2 years.

(2) Petition No. 890 dated 25th August 1908 from Mr. H. Krishnaar Rao pensioned Regimentaar saying that he has purchased mahadevapur and the other Jahgir villages and paid up the mortgage amount to the creditor and praying that the temple and its endowments may be made over to his management.

(3) Correspondence ending with letter No. 565 dated 30th June 1910 from the Deputy Commissioner, Mysore District, reporting on the above petition.

(4) Petition registered No. 794 dated 23rd October 1910 from Mr. M. Balaji Rao praying that the management of the temple and its endowments may be made over to him.

Order thereon:- 2240-2/Mur & 468-08-1/2 Encl one file

Dated Bangalore, 3 March 1911.

In reporting on the administration of the affairs of the Kasi Visweswara temple and its endowments in the Mahadevapur village since the assumption of the management thereof by Government, the Deputy Commissioner recommends in his final communication that the management may with advantage be transferred to the petitioner Mr. M. Krishna Rao, after taking sufficient security from him and (petitioner) for the efficient management of the institution and its endowments by maintaining and forwarding to the Deputy Commissioner, annually accounts duly audited, realising the land revenue for the ensuing fasli.

Deputy Commissioner also proposes to associate
Mr. H. Krishna Rao in the management of the institution.

2. Government approve of the Deputy Commissioner's recommendation and direct that the temple and its endowments be at o made over to Mr. H. Krishna Rao, Pensioned Regimentdar, who will required to maintain proper accounts and forward montly extracts the Amildar, Seringapatam Taluk and afford him every facility inspection.

3. The Deputy Commissioner is requested to submit for the approval of Government the names of the Dharmadarsis, whom he wo associate with Mr. H. Krishna Rao. Mr. Balaji Rao should be on of such Dharmadarsis.

Fair draft
RL
3/3/11

8/3/911
For Offg. Secretary to Govt.

To

The Deputy Commissioner, Mysore District, returning the record
" Revenue Commissioner, in Mysore.
" Comptroller, to Government for information.

No. 2243—4 dt 3. 3. 911.

Copy to Mr H Krishnarao &
Mr M-Balaji Rao for info with
Refee & their Letters of 25.8.08 and
23-10-10 respectively.

Order 2
RL
3/3/11

D 2703

1910-11 Mysr 468-08-13

From M. Kantaraj urs Esq., B.A
Deputy Commissioner,
Mysore District.

To C.S Balasundaram Iyer Esq., B.A
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.
Mysore Branch

Dated

Despatched 20th June 1911

Received

General No. 490
No.

Enclosure No. 1 file

Solicits instructions in the matter of handing over the amount in the Savings Bank in the name Kasi Visweswara Swamy temple at Mahadevapura Village Srirangapatna Taluk, to Mr. Krishna Rao.

Referred
23/6/11

GBPM—21 1910—1,000

No. 490
Enc. No. 1 file

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,

Dated Mysore Camp. ... 20th June ... 1911.

FROM

M. Kantaraj Urs ... Esq., B.A
DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C.S Balasundaram Iyer ... Esq., B.A
Offg. SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.
Inam Branch

SIR,

Adverting to Government Proceedings No. 2240-2 / Inam 468-08 directing that the temple of Sri Kasi Viswesvara in Gabagi Mahadevapura village and its endowments be made over to Mr. H. Krishna Rao, pensioned Regimentdar, I have the honor to submit herewith for information mutchalika dated 25th March 1911 flag K executed by Mr. B. Krishna Rao, retired Assistant Commissioner who has obtained a general power of attorney from Mr. H. Krishna Rao, pensioned Regimentdar, for the management of the temple and its endowments.

2. A.

2. A Sum of Rs 684-1-1 is reported to be available till 12th April 1911 at the credit of the temple in Savings Bank account No. 732.

3. As the temple in question with its endow-ments have been made over to mr. H. Krishna Rao I solicit instructions in the matter of handing over the amount in the Savings Bank also to mr. Krishna Rao.

4. The file of papers ending with the Sub divisional Officers yadast No. 297/919 dated 27/30 15 May 1911 is herewith submitted for pre-ference.

I have the honor to be,
Sir,
your most obedient servt

B. Ramachandra Rao
for Deputy Commissioner
Bellary. Mysore District

5\7

File No. 46

Serial No.

Diary No. of letter replied to 403

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

READ—

1. Govt Proceedgs No 2240-2/ M-7-468-10-12 & 3rd March 1911 directing that the Sri Kasi-Visweraswamy temple in the Mahadevpur Jaghir, Seringa-patam Taluk, and its endowments, be made over to the management of Mr H. Krishna Rao, Pensioned Regimentdar and requesting the Dycomr, Mysore Dt to submit for the approval of Govt. the names of the Dharmadarsis, whom he would associate with Mr H. Krishna Rao.

2. Letter No 490 & 20-6-11, from

over.

, the 19

Date of issue

Signed by

SUBJECT.

the Deputy Comr, Mysore Dt.
submitting for the information
of Govt, a mutchalika executed
by Mr. B. Krishna Rao, Retired
Asst Comr, (who is said to
have received power of attorney
from Mr H. Krishna Rao in the
matter) accepting the ma-
nagement of the temple and
its endowments and soliciting
~~instructing~~ instructions in the
matter of handing over a
sum of Rs 684-1-1 available in the Savings
Bank at the credit of the
temple, to Mr Krishna Rao.

Order thereon. No. 125-6
Revs & Agri-68 dt

The Dy Comr's proposal
to ~~deal~~ hand over the money
to Mr Krishna Rao is sanctioned

2. The ~~*~~ names of the Dharma-
darsis, which the Dy comr was requested ~~to be asked for~~ to submit
~~requested~~ in the G.P read above,
~~may be kindly sent~~ Should be intimated, early for
the approval of Govt.

4/7/11

8/7/194
for Offg. Secretary

To
The Dy Comr Mysore Dt retg. records
The Comptroller to Govt. ne D.y (79)